

SENATE BILL 723
By Cooper

AN ACT to amend Tennessee Code Annotated, Title 39;
Title 53; Title 63 and Title 68, relative to providing
prescriptive authority for psychologists.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 63-11-203(a), is amended by adding the following sentence after the sentence that concludes with the word "consultation" and before the start of the sentence beginning "Psychological services may be rendered":

"Practice of psychologist" also includes the authority to prescribe and dispense drugs and other treatment procedures within the scope of practice for psychologists as defined by this section. Such prescriptive authority practices include writing orders for a drug, laboratory test, or any medicines, devices, or treatments, including controlled substances, rational to the practice of psychology. Licensed pharmacists, laboratories, and health care facilities may fill prescriptions and orders for laboratory tests and devices when written by prescribing psychologists.

SECTION 2. Tennessee Code Annotated, Section 63-11-208, is amended by adding the following new, appropriately designated subsections:

() "Prescribing psychologist" as used in this chapter means a psychologist with a health service provider designation as defined in subsection (d) and who has been certified as a prescribing psychologist as defined by the board of examiners in psychology. This board shall certify that a psychologist has met the training, education, experience and examination requirements necessary for certification as a prescribing psychologist. Such certification authorizes prescriptive authority practice including writing orders for drugs, laboratory tests, or any medicines, devices, or treatments,

including controlled substances, rational to the practice of psychology. Only the board of examiners in psychology shall certify a psychologist as a prescribing psychologist. For the first two (2) years after obtaining prescribing certification as a prescribing psychologist, the prescribing psychologist shall perform such prescribing under a collaborative practice agreement with a physician licensed under title 63, chapter 6 or chapter 9. After completing two (2) years of a physician collaborative practice agreement, the prescribing psychologist shall no longer be required to prescribe under a physician collaborative practice agreement. After completion of the two (2) year physician collaborative practice agreement, the prescribing psychologist must establish and maintain effective intercommunication with a physician to make provision for the diagnosis and treatment of medical problems by a physician with an unlimited license to practice the healing arts in this state. Such postcollaborative practice communications shall be at the discretion of the prescribing psychologist and a physician or physicians, although the prescribing psychologist shall not treat any patient who does not have an established relationship with a primary care physician.

() “Collaborative practice agreement” means a formal relationship between a prescribing psychologist and a physician, licensed under title 63, chapter 6 or chapter 9. Such relationship shall be in writing and shall include a drug formulary, arrangements for telephonic or other communications, referral procedures and provisions requiring the physician to review twenty percent (20%) of the charts of patients for whom medications were prescribed. Such agreements shall be filed with the board.

() The board of examiners in psychology is responsible for the promulgation and administration of all of the rules and regulations governing the practice of psychology. The board shall convene a multidisciplinary health professionals group specifically charged to advise the board in the development of rules and regulations governing

prescribing psychologists, the formulary rational to the practice of psychology and collaborative practice agreements between physicians and prescribing psychologists. This multidisciplinary group, chaired by a member of the current board of examiners in psychology, shall be comprised of five (5) members, each of whom is a member of the current health related boards of healing arts in the following professions: psychology, medicine, nursing, optometry, and pharmacy. The promulgation of the proposed rules by this aforementioned multidisciplinary committee shall be completed by December 31, 2005. Notwithstanding the requirement of this committee to propose rules, the board shall comply with the rulemaking procedures required by the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

() The board of examiners in psychology shall set the standards and requirements for prescribing psychologist certification which shall include, but not be limited to, the following didactic subject areas and preceptorship supervision requirements:

(1) Pharmacology and psychopharmacology: child, adult, geriatric, general clinical:

(A) Pharmacokinetics and pharmacodynamics, drug interactions, side effects, substance abuse; and

(B) Serology, laboratory and maintenance of therapeutic drug levels.

(2) Related sciences:

(A) Neuroanatomy, neurophysiology, neurochemistry; and

(B) Pathophysiology, organ and anatomy systems, functioning and nonfunctioning, and metabolism and biotransformation.

(3) Treatment applications:

(A) Consultation with other professionals;

(B) Ethics and professional issues; and

(C) Computer-enhanced record and history accountability.

(4) The didactic subject areas imposed pursuant to this subsection shall result in at least four hundred fifty (450) hours of didactic educational instruction.

(5) Preceptorship supervision shall include a minimum of one (1) calendar year of supervision by a physician over at least one hundred (100) separate patients receiving outpatient care.

(6) In addition to successful completion of the aforementioned components of the training, education, and experience necessary for prescriptive authority, those seeking certification as a prescribing psychologist must also successfully pass a national examination testing competency to engage in the practice of prescriptive authority such as the examination offered by the American Psychological Association Practice Organization's College of Professional Psychology or the International College of Prescribing Psychologists Examination with the board of examiners in psychology determining passage levels for any such national examination.

SECTION 4. Tennessee Code Annotated, Section 63-11-204(a), is amended by deleting the period at the end of the subsection and by adding the following language:

with the exception of diagnosis and treatment rendered by a prescribing psychologist in accordance with § 63-11-203.

SECTION 5. Tennessee Code Annotated, Section 53-10-105(a), is amended by deleting the language "§ 63-8-102(12), or veterinarian" and by inserting instead the language "§ 63-8-102(12), prescribing psychologist pursuant to § 63-11-203, or veterinarian".

SECTION 6. Tennessee Code Annotated, Section 53-10-105(b)(2), is amended by deleting the language “licensed physician, and who meets” and by inserting the language “licensed physician or prescribing psychologist authorized pursuant to § 63-11-203, and who meets”.

SECTION 7. Tennessee Code Annotated, Section 63-10-204(34), is amended by deleting the language “§ 63-8-102(12), or other allied medical practitioner” and by inserting instead the language “§ 63-8-102(12), prescribing psychologist authorized pursuant to § 63-11-203, or other allied medical practitioner”.

SECTION 8. Tennessee Code Annotated, Section 63-7-103(a)(2)(D), is amended by inserting the language “, prescribing psychologist authorized pursuant to § 63-11-203” between the word “podiatrist” and the phrase “or nurse”.

SECTION 9. Tennessee Code Annotated, Section 39-17-402(22)(A), is amended by deleting the language “optometrist, veterinarian” and by inserting instead the language “optometrist, prescribing psychologist, veterinarian”.

SECTION 10. Tennessee Code Annotated, Section 68-29-121(a), is amended by inserting the phrase “, or a prescribing psychologist” after the words “chiropractic physician” and before the phrase “or other health care professionals”.

SECTION 11. Tennessee Code Annotated, Section 68-29-121(b), is amended by inserting the phrase “, or a prescribing psychologist” after the words “chiropractic physician” and before the phrase “or other health care professionals”.

SECTION 12. Tennessee Code Annotated, Section 63-11-218(a), is amended by adding the following language immediately before the period of the first sentence of the subsection:

as well as any initial application fees and other costs specifically associated with any renewal of certification requirements as a prescribing psychologist.

SECTION 13. This act shall take effect upon becoming law, the public welfare requiring it.